ROBERT M. BELL
CHIEF JUDGE
COURT OF APPEALS OF MARYLAND
ROBERT C. MURPHY COURTS OF APPEAL BUILDING
361 ROWE BOULEVARD
ANNAPOLIS, MARYLAND 21401-1699

November 1, 2001

Honorable Thomas V. "Mike" Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401-1991

Honorable Casper R. Taylor, Jr.
Speaker of the House
State House
Annapolis, Maryland 21401-1991

Re: Judgeship Needs for Fiscal Year 2003

Gentlemen:

In accordance with established procedure, the Judiciary herein submits its annual certification for judgeships. Employing an improved methodology developed by the National Center for State Courts, we will certify the need for a significant number of new judgeships; however, notwithstanding the traditional wisdom that a declining economy signals an increase in case filings, we will refrain from requesting that the General Assembly create additional judgeships in Fiscal Year 2003. Prior to September 11 and its aftermath, the Judiciary seriously considered requesting eight new judgeships in the trial courts: four, to be dedicated to family matters, in the Circuit Courts (Anne Arundel, Montgomery and Worcester Counties and Baltimore City) and four in the District Court (Prince George's, St. Mary's and Worcester Counties and Baltimore City). With the State's economic condition, the Governor's call for budgetary restraint and the economic uncertainty confronting the Nation, the Judiciary will make every effort to manage its caseloads with existing judicial resources, which includes retired judges, whom we will continue to use.

The certification process, you will recall, involves three principal steps: (1) a statistical analysis prepared by the Administrative Office of the Courts; (2) a response by individual courts to the analysis; and (3) a final review and determination by the Chief Judge of the Court of Appeals.

During the past year, the Judiciary engaged the National Center for State Courts to develop a workload assessment model for both the Circuit Courts and the District Court that more accurately identifies the need for additional judicial resources. The model "weights" cases to account for the varying complexity and need for judicial attention among the panoply of cases filed within our courts. By weighting cases, a more accurate determination can be made of the amount of judicial time required to process individual case types. Moreover, such a model provides objective and standard assessments of judicial resource needs among courts that vary in population and caseload mix. This new model was employed in this certification formulation and is described more fully in the enclosed material for both the Circuit Courts and the District Court.

Administrative judges from each court are required to review the statistical analysis and respond to either an identified need or lack of need for additional judicial resources. It is through such an examination that individual courts provide qualitative information that supplements the statistical analysis. In addition, it is expected that each administrative judge will seek the views of other judges within their jurisdiction; solicit opinions from the bar; and consult with local government when local funding support is required.

The Chief Judge of the Court of Appeals is responsible for the annual certification of judgeship needs. As such, the Chief Judge reviews the quantitative analysis, the responses from individual courts, and the recommendations of the Chief Judge of the District Court prior to making a final certification decision and request for additional judicial resources. While the formal certification of judgeship needs is the result of our quantitative and qualitative analysis, the Judiciary request for additional judges is influenced significantly by State and local budget conditions, the availability of space in courthouse facilities, and the use of interim case management measures as a possible intervention.

Circuit Courts

Of significant importance are family and children related matters which comprise almost 50 percent of the caseload of the Circuit Courts statewide. The immediacy and far-reaching implications of the issues within these cases require careful and deliberate review which consumes a great deal of judicial time. In addition, recent changes in the Maryland Rules will facilitate the transfer of domestic violence protective order hearings from the District Court to a Circuit Court in which a related family matter is pending. Further compounding these conditions is the reality that in a majority of these cases, at least one party is unrepresented by counsel. Generally, that results in additional judicial time being required to adjudicate the case fairly and provide equitable relief. Addressing the needs of families and children has been the singular focus of the Judiciary's request for additional judgeships over the last two years.

District Court

Experiencing similar pressure in petitions for civil protection in domestic violence cases, the District Court has experienced steady increases in hearings. Complicating this situation is the significant growth in petitions for peace orders. A collateral growth over the last two years has

occurred in more complex civil cases requiring judges to spend considerable time in pre-hearing conferences and deliberations.

Despite a reasonable expectation that a declining economy will increase case filings, we will utilize our present judicial resources to the best of our abilities in the State's effort to contain current spending and budget growth.

Very truly yours,

Robert M. Bell

cc: Honorable Parris N. Glendening, Governor
Honorable Barbara A. Hoffman, Chairman, Senate Budget and Taxation Committee
Honorable Walter M. Baker, Chairman, Senate Judicial Proceedings Committee
Honorable Howard P. Rawlings, Chairman, House Appropriations Committee
Honorable Joseph F. Vallario, Jr., Chairman, House Judiciary Committee
Honorable Ulysses Currie , Senate Budget andb Taxation Committee
Honorable Joan Cadden, House Appropriations Committee
Honorable William D. Schaefer, State Comptroller
Honorable Joseph F. Murphy, Jr., Chief Judge, Court of Special Appeals
Honorable Paul H. Weinstein, Chairman, Conference of Circuit Judges
Honorable James N. Vaughan, Chief Judge, District Court
Honorable T. Eloise Foster, Secretary, Department of Budget and Management
Circuit Administrative Judges
Honorable Scott McGlashan, Chair, Conference of Circuit Court Clerks
Joseph C. Bryce, Chief Legislative Officer
Stephen E. Harris, Esq., State Public Defender
Frank Broccolina, State Court Administrator
Karl S. Aro, Executive Director, Department of Legislative Reference
Stephanie Ennel, Budget Analyst, Department of Budget and Management
Elizabeth A. Forkin, Administrative Analyst, Department of Fiscal Services

NATIONAL CENTER FOR STATE COURTS

WORKLOAD ASSESSMENT MODEL FOR THE MARYLAND CIRCUIT COURTS

Final Report

July 2001

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I. Introduction

State judicial leaders face continual challenges of effectively managing rising caseloads, disposing of court business without delay, and delivering quality service to the public. Two constant and recurring problems are inherent within these challenges: (1) objectively assessing the number of judges required to handle current and future caseloads and (2) deciding whether judicial resources are being allocated and used appropriately. In response to these multiple and sometimes conflicting challenges and problems, state judicial leaders are increasingly turning to more sophisticated techniques to provide quantitative documentation of judicial resource needs in the state trial courts. Assessing the judicial workload through the development of a workload assessment model is a rational, credible, and practical method for determining the need for judges and judicial officers.

The National Center for State Courts (NCSC) was commissioned by the Chief Judge of the Court of Appeals through the Administrative Office of the Courts (AOC) to conduct a judicial workload assessment study. This judicial workload assessment study was designed to measure the workload of the Maryland Circuit Courts. There are currently 143 circuit court judges serving Maryland's eight judicial circuits. The circuit courts are the highest common law and equity courts of record exercising original jurisdiction in the state of Maryland. Each has full common law and equity powers and jurisdiction in all civil and criminal cases within its county, along with all of the additional powers and jurisdiction conferred by the Constitution and other law, except when jurisdiction has been conferred upon another tribunal by law.

In each county of the state of Maryland and in Baltimore City, there is a circuit court, which is a trial court of general jurisdiction. The jurisdiction of the circuit court is very broad, but generally, it handles major civil and more serious criminal cases. The circuit courts also decide appeals from the district court, from the orphan court in some instances, and from certain administrative agencies.

This report details the methodology of the Maryland Circuit Court Workload Assessment Study and presents a workload assessment model containing differentiated case processes time

standards for each of the major case types handled by the circuit courts.[1] Specific objectives of the judicial workload assessment study are as follows:

- To conduct a quantitative evaluation of judicial resources on a statewide basis.

- To provide accurate, easily understandable criteria to assess the need for additional judicial resources.

- To provide a valid method for determining the need for additional judicial resources among the state's counties and Baltimore City.

- To measure the effect of changes in case filings for individual case types or case processing procedures on the need for judicial resources.

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[1] A workload assessment model is a quantitative representation of the inter-related variables that work together to determine judicial resource needs. A change in one variable will affect other variables and the total determination of judicial resource needs. The term "model" is commonly used in the social sciences to denote this relationship of variables.

II.   Overview of a Workload Assessment Model

State courts vary in complexity. Different types of cases require different amounts of time and attention from judges, other judicial officers, and court support staff. Focusing on raw case counts without allowing for differences in the amount of work associated with each case type creates an opportunity for the misperception that equal numbers of cases filed for two different case types represent an equivalent amount of work for the court. For example, a typical criminal felony case has a much greater impact on the resources of a court than a traffic case. Furthermore, certain other case types, such as domestic relations cases involving minor children and juvenile abuse and neglect cases, may require continued judicial attention over a long period of time.

Workload assessment is a resource assessment methodology that is being adopted by an increasing number of states to determine the need for judges and other judicial officers. The method "weights" cases to account for the varying complexity and need for judicial attention among court cases. By weighting court cases, a more accurate assessment can be made of the amount of judicial time required to process the court's caseload, i.e., the judicial workload. Moreover, workload assessment models have the advantage of providing objective and standardized assessments of judicial resource needs among courts that vary in population and caseload mix.

The core of the workload assessment model is a time study whereby judges keep track of the amount of time they spend on the various case types. When the time-study data are joined with disposition data for the same time period, it is possible to construct a "case weight" for each case type. The case weights represent the average bench and non-bench time (in minutes) required to reach a disposition for each case type. Applying the case weights to current or projected case filing numbers results in a measure of judicial workload. When the workloads are divided by the amount of time available per judicial officer, an estimate of judicial resource requirements results. This approach, which involves few complicated procedures, is sufficiently rigorous to measure resource needs and evaluate resource allocations.

It is important to remember that even the most widely used and accepted resource assessment techniques, including the workload assessment model, will not objectively determine the *exact* number of judges needed to stay current with caseloads. No quantitative resource assessment *model* by itself can accomplish that goal. Instead, a quantitative model can only *approximate* the need for judicial resources. The results can then be used in concert with other considerations, including budget constraints, population trends, and other more qualitative, court-specific factors

that may differentially affect the need for judicial resources statewide. For example, based on the number of case filings the model may estimate that a rural, less densely settled county might need fewer judicial full-time equivalents (FTEs) than are currently allocated. However, this quantitative estimate needs to be tempered with the knowledge that a rural court has more scheduling gaps than an urban court for a variety of reasons. This type of qualitative factor is not taken into consideration in the quantitative model and policymakers must be cognizant of this limitation.

For instance, rural areas may require more judges than the model estimates to provide reasonable access to judicial services. Additionally, factors such as the practice styles of local attorneys often have a significant impact on case processing times; what might be considered an efficient presentation to a court in a larger city might be considered too rushed in a less pressured environment. In a smaller court, something as trivial as one defendant who fails to appear may waste a good part of a judge's morning if there is no other court business that can be dealt with while the judge is waiting. Usually in the more populated counties and larger urban courts there exists economy of scale effects that are reflected in faster processing times and the ability to process more cases in a judge year because these larger courts have the ability to work more efficiently by implementing judicial divisions of labor through specialized dockets. Due to qualitative factors such as these, it is important to remember that the quantitative model is only one piece of information in evaluating the need for judicial resources.

III.   Methodology

This section of the report describes the disposition-based methodology of a workload assessment study in general. The following section (Section IV) describes the tailoring of the disposition-based methodology to the Maryland Circuit Courts.

Steps in the Model

The NCSC project team used the disposition-based workload assessment algorithm to construct the Maryland Circuit Courts judicial workload assessment model. The disposition-based model is a very straightforward model. The steps are described below.

- *Step 1: selection of representative sample courts* - as a rule only a sample of courts participate in the study and the results are then extrapolated to the rest of the state. The sample chosen must be representative of the state as a whole.

- *Step 2: categorization of case types* - all the case types used in the state must be collapsed to fewer categories to facilitate reporting and ensure that enough data on various case types will be reported during the time-study to avoid sampling error.

- *Step 3: decision of study period length* – the length of the reporting period required to ensure that enough time-study and disposition data will be gathered for the various case types so that sampling error will not be a problem.

- *Step 4: time study* - judges keep track of the amount of time they spend processing the different case types and all their other judicial activities for a specific period of time.

- *Step 5: disposition count* - the number of dispositions for the different case types are counted for the same period of time.

- *Step 6: construction of the case weights* – the total number of minutes spent processing each case type is divided by the total number of dispositions for the case type. The results are the case weights; the average number of minutes needed to process the different case types.

- *Step 7: filings count* – the number of filings for the different case types are counted for a year's worth of time for each circuit.

- *Step 8: calculation of the workload* – the case weight for each case type is multiplied by the number of filings for that case type to determine the workload of each court, resulting in the amount of judicial resource time required to process the caseload.

- *Step 9: determination of the judge year value* – the average amount of time in minutes a judge has available during the year to process his or her workload.

- *Step 10: judicial resource count* - the number of judicial resources (judges) are counted for each circuit.

- *Step 11: calculation of judicial resource needs* - the workload for a circuit court is divided by the judge year value to determine the number of judicial resources needed to process the workload of the circuit.

- *Step 12: comparison of actual judicial resources and required judicial resources* - the number of judicial resources required to process the caseload of a circuit court is subtracted from the number of judicial resources currently in the circuit. A positive difference shows that there are more judicial resources than needed and a negative difference shows that there are fewer judicial resources than needed.

Although the steps in a workload assessment algorithm are straightforward and do not require any calculations beyond arithmetic, there are hidden pitfalls and assumptions that must be addressed to ensure a valid model. The confidence in conclusions drawn from any research endeavor depends on the adequacy and accuracy of the data collected to support the research. For example, different courts may count filings and dispositions differently. One court may count all charges against one defendant filed on the same day as one filing (and hence one disposition), while another may count each charge as a separate filing (and hence separate dispositions). The way of counting filings and dispositions across a state should be standardized to ensure that the workload assessment model compares like values, and therefore provides an accurate assessment of the resource need.

It is also necessary to determine the average amount of time a judge takes for vacation, illness, and conferences during the construction of the model. The Maryland Judges' Workload Assessment Policy Committee comprised of district court and circuit court judges was formed to help tailor the workload assessment methodology to Maryland. For example, decisions on sample sites, categorization of the case types, and an estimation of judge year length were made by the steering committee in consultation with the NCSC project team.

Step 1 – Sample Site Selection

As a rule, it is not necessary that all the courts in a state participate in the time study. Rather, representative selections of sites (which reflect the variability in the state) participate, and their times are extrapolated to the rest of the state. The set of sampling criteria used in the selection of sites includes a mixture of court sizes, some rural and some urban courts, some specialized and some unspecialized courts, a geographical mix of courts, courts with a reputation for efficient case processing, and an interest in participating on the part of the judges.

Step 2 - Case Type Categorization

The more case type categories that are included in a workload assessment study, the larger the data samples need to be in order to guarantee statistical validity. Efforts need to be made to include enough categories of case types to develop realistic and reasonable case weights, while minimizing the burden and costs associated with the judicial time study. The criterion that guides the case type categorization is aggregation of case types within one category of similar type and complexity that are processed in a similar manner in terms of judicial time.

Step 3 - Length of Study Period Decision

The length for the time-study portion of the study is a function of the number of circuit courts participating, the number of judges participating, the number of case types being measured, and the volume of filings.

An important point to remember is that the study period is a *snapshot in time*. There is no attempt made in a workload assessment study to follow specific cases from filing to disposition. Rather, the disposition-based workload assessment methodology is designed to take a snapshot of court activity and compare the *input* of judicial time to the *output* of case dispositions. Keeping data collection to a specified time period means few cases will actually complete the journey from filing to disposition during the study period. Yet, because the focus of the study is on *how long* it takes to handle various case types given the number of dispositions reported for that time period, it is not necessary to actually track any given case from start to finish. What is necessary is the gathering of time data on all judicial activities during the time study.

Each participating court processes a number of each type of case to be weighted in varying *stages* of the case life cycle (i.e., some particular types of cases are in the pretrial phase, other similar types of cases are in the trial phase, while still others of the same type of case are in the

post-trial stage). Moreover, if the study period is representative, then the mix of pre-trial, trial, and post-judgment activities conducted for each type of case, as well as the time devoted to each type of event will be representative of the type of work entering the court throughout the year. Therefore, the study period provides a direct measure of the amount of judicial time devoted to processing each type of case to be weighted over the life of the case. Thus, the time study is a composite of separate (though likely similar) cases observed at various points in the case life cycle.

Step 4 – Time Study

The time study is the core of a workload assessment study and the participating judges collect the data as they work throughout the day. The judges record the time spent on various case types on a recording form, one form per day. All time spent on judicial matters throughout the day or in the evening is to be recorded. Judicial matters include both bench and non-bench time processing cases, case-related and non-case related work, and travel time between courthouses for a circuit-riding judge. Non-case related activity is a catchall category that includes legal research and writing time that cannot be attributed to a specific case, staff meetings, general office and administrative tasks, and other judicial duties such as speaking at the local high school about the judicial system.

Step 5 - Disposition Count

A count of dispositions is important to the construction of a valid workload assessment model when using disposition-based methodology. The number of dispositions can be collected several ways; by the judges themselves during the time study, by the clerks of court after the study period ends, or using the reports the clerks of court make to the Administrative Office of the Courts. As with the filings, it is important to be sure that all courts in the state are counting the dispositions in the same way to ensure that like events are being compared in the final model.

Step 6 - Case Weight Construction

Case weight construction occurs after all recording forms have been recorded in a database and the database has been checked for inconsistencies and errors. The total numbers of minutes per case type for all the judges are summed and the resulting number of minutes is divided by the number of dispositions for that case type. The result is called the case weight, the average number of minutes required to process each case type in the state. Case weight construction does not

account for all the minutes recorded by the judges; non-casework and travel time are not included in the case weight but are included in the determination of judge year value.

A question that needs to be addressed is how many different case weights per case type to calculate in a state. Often the state's larger courts have faster average processing times because of the inherent economies of scale that a larger court possesses. For example, a larger court can create specialized courts that can work more efficiently than unspecialized courts. Also, a smaller court with less activity is more prone to scheduling gaps and concomitant dead time than a larger court that has many defendants waiting to appear before the judge if one defendant does not appear. So, should a larger, i.e., faster, court have different case weights than the smaller courts in the state? Guideline 9 in *Assessing the Need for Judges and Court Support Staff*[2] recommends that a single set of case weights for judges within a state is preferable to multiple weights. However, one should evaluate differences in time requirements or case mix across courts of different sizes to determine if separate weights are needed. Another way to deal with differences engendered by economies of scale is to adjust the caseloads of the counties to correct for the differences and use a single case weight. For example, in a small rural county, it may be demonstrated that, on average, it takes approximately twice the amount of judge time to handle a divorce case than it takes in a large urban court. When implementing the model, you may wish to give the small court in this example a credit for twice the number of filings that actually occurred, to account for the difference in judicial time needed.

Step 7 - Filings Count

The number of filings per court is used to both validate the model and apply the model to future scenarios. For example, the filings from the previous year are traditionally used to validate the model. The results can then be compared to the existing complement of judicial resources within each county to substantiate the accuracy of the case weights. The crucial question is: could all of the cases filed and disposed in the previous year have been processed according to the weights assigned? If the answer is affirmative, this lends considerable credence to the resulting case weights. If, however, the answer is negative, the case weights may need further revision.

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[2] V.E. Flango and B.J. Ostrom, *Assessing the Need for Judges and Court Support Staff*, National Center for State Courts (1996)

Once the model is validated, the state can replace the previous year's filing numbers with actual or estimated filings for future years to see where judicial resources are indicated. For example, ten years of historic filing data by case type could be projected ten years into the future and the new filings numbers substituted into the model to see what changes ten years will bring in judicial resource needs. Or, if new legislation is contemplated that will, for example, change a class of misdemeanors to felonies, or additional federal requirements are added to an area of juvenile cases, the additional time required to process the new workload and additional judicial resource requirements can be calculated. To provide realistic estimates of future judgeship needs, the workload assessment model should be applied to projected filings by court.

Step 8 - Workload Calculation

The workload calculation transforms the *caseload* (i.e., the raw filings count) into the *workload* (the number of minutes required to process the cases). The workload calculation is the sum of the product of the individual case weights multiplied by the number of filings for that case type.

Step 9 - Judge Year Value Determination

The judge year value is an estimate of the amount of time the *average* judge has available to process cases during the year. It is a subset of the amount of time that the average judge *works*. The judge year value reflects how much time is available to each judge to process the case-related events (both in court activities and in chambers case-related administrative activities) that are accounted for in the case weights. The calculation of the judge year value is essentially a two step process: (1) determine the number of days actually available per year for judges to process cases and (2) determine the number of hours per day that judges spend on case-related work.

Many assumptions underlie the determination of the judge year value. To determine the number of days available to process cases, weekends, holidays, and time related to vacations, illness, and attendance at statewide judicial conferences, meetings, and seminars are subtracted from the calendar year. It is easy to determine the number of weekends and holidays in a year. It is more difficult to determine the average amount of time taken for vacation, illness, and judicial conferences. Because the study period may not be representative of the year as a whole, the steering committee is asked to review the average amount of time taken for vacation, illness, and judicial conferences.

To determine the number of hours in a day available to process cases, it is first necessary to determine how long a workday is expected of the judges and how long is taken on average for lunch and breaks. This information is usually obtained from the steering committee. Once that is determined, an average amount of time for non-case related work also must be subtracted from the day because this time is not available to process cases. For example, a judge who has to interview candidates for a personnel vacancy or write a legislative report uses time during those days performing important job functions that cannot be used to process the caseload. Information on the number of minutes spent on such non-case related work is collected by the judges during the time study. These data are then divided by the number of days worked to obtain an average amount of non-case related work.

Non-case related activity can also vary among counties based on differing levels of staff support, and it is possible to calculate a weighted time that takes the time difference into consideration. This average amount of non-casework time is also subtracted from the judge year value.

Step 10 - Judicial Resource Count

The total number of judicial resources available to each court must be enumerated. Judicial resources include the number of judges (measured FTE) that are available to assist in processing the judicial workload.

Step 11 – Judicial Resource Needs Calculation

The number of judicial resources *needed* is calculated by dividing the adjusted workload of a court (the number of minutes required to process the cases) by the adjusted judge year value (the average number of minutes a judge has available to process cases). The result is the number of judges needed to process the workload of that circuit.

Step 12 – Comparison of Actual vs. Required Judicial Resources

The last step is to compare the actual judicial resources measured in FTEs and the required judicial resources measured in FTEs as estimated by the model. This is only the beginning in deciding the judicial resource allocation across a state. The model needs to be interpreted by joining the knowledge from the quantitative model with qualitative knowledge of the unique

characteristics of the state and qualitative knowledge of case processing, in general, to determine the judicial resource needs and allocation.

IV.   Maryland Circuit Courts Workload Assessment Model

This section of the report details the construction and components of the Maryland Circuit Courts Workload Assessment Model.

A.   Sample Site Selection

Maryland has eight judicial circuits encompassing 23 counties and the city of Baltimore, with 143 circuit court judges. Sampling criteria were shared with the policy committee. and they recommended the participation of sample set of approximately 50 judges representing all 8 judicial circuits throughout the state. This sample size ensured that all factors of court variability (in size, rurality, geography, circuit riding, et cetera) were taken into consideration in the final model.

B.   Case Type Categorization

The policy committee participated in a conference with the NCSC project team to decide the categorization of case types. The entire caseload of the circuit courts was divided into eighteen mutually exclusive case types for the workload assessment study. The judicial case types are:

1. Adoption
2. Civil Appeal
3. Criminal Appeal
4. Criminal Information or Indictment
5. Contract
6. Divorce/Nullity
7. Domestic Violence
8. Delinquency
9. Criminal Jury Trial Prayer
10. CINA
11. CINS
12. Other Civil
13. Other Domestic

14. Other Juvenile

15. Post Conviction

16. Paternity and Non-Support

17. Torts

18. Termination of Parental Rights and Guardianships

C.   Length of Study Period Decision

The NCSC project team determined that two months of data collection would be needed based on their experience with workload assessment studies in other states. The judicial data collection period commenced on August 28, 2000 and ended on October 31, 2000. Two months of data collection proved to be sufficient time to collect enough data for all the case types to avoid sampling error.

D.   Time Study

The information needed for the time study, i.e., case type, amount of time spent, number of minutes, etc., was incorporated into a recording form. Also included on the form was identifying information (judge identification number, the circuit and county the work was performed in, and the date). A copy of the recording form is included in Appendix A. The NCSC project team presented a training session for the judges who were participating in the study. A copy of the instructions given to the judges at the training session is found in Appendix A.

A total of 67 judges participated in the time study and recorded 1.097.613 minutes of circuit court judicial time spent on case related work.

Table 1. Judicial Participation by Circuit

Circuit	# Judges Participating
1st	1
2nd	4
3rd	11
4th	3
5th	7
6th	11
7th	14
8th	16
TOTAL	67

E.   Disposition Count

Disposition data for the study period were received from the Administrative Office of the Courts that denoted the actual number of dispositions that occurred during the two months of data collection.

F.   Case Weight Construction

The case weights were constructed by totaling the number of minutes recorded for a case type and dividing by the number of dispositions for the case type. The total number of minutes shown below includes a distribution of case-related administration and calendar call minutes for which no case type was recorded. The number of additional minutes of case-related administration to add for case weight construction was determined by the proportion of the case type to annual case filings. The addition of the case-related administration minutes to the total number of minutes added several minutes to each case weight. The case weights demonstrate the average amount of

judge time from filing through post judgment activity a circuit court judge spends on each case. For example, an average juvenile delinquency case took 26.12 minutes of judicial time (both in-court and in-chambers time) to process. This is not to say that each case is resolved within the time allotted in the case weight. If a jury trial were held in a particular case, it would require several days or even weeks to complete and obviously could not be completed within the mere minutes included in the case weight. The case weight is a representation of the aggregate caseload that demonstrates the average time required for a particular case type and includes both cases in which little judicial involvement is required as well as cases requiring a great deal of judge time.

Table 2. Circuit Court Case Weights
In Minutes Per Case

Type of Case	Minutes per Case
Adoptions & Guardianships	*101.72*
Civil Appeals	*106.04*
Criminal Appeals	*91.02*
Criminal Indictments	*69.07*
Contracts	*179.10*
Divorce	*38.79*
Domestic Violence	*53.87*
Delinquency	*26.12*
Criminal Jury Trial Prayer	*25.36*
CINA	*48.27*
CINS	*51.90*
Other Civil	*25.34*
Other Domestic	*40.71*
Other Juvenile	*59.23*
Post Conviction	*263.86*
Paternity and Non-Support	*41.56*
Torts	*143.09*
TPR and Guardianships	*74.90*

G.   Filings Count

The filings by case type were obtained from the Administrative Office of the Courts[3].

H.   Workload Calculation

The workload is the sum of the individual statewide case weights multiplied by the number of filings for that case type. The workload is the workload assessment for the circuit. It shows the number of judges required to process the case mix of the particular circuit.

I.   Judge Year Value

The judge year value is the amount of time an average judge has to process his or her workload in a year. The judge year value was estimated by the policy committee with input from the NCSC consultants and validated through the time study. The amount of time the average judge has for case processing was estimated to be eight hours of work a day for 207 days a year which is 99,360 minutes (207 days x 8 hours x 60 minutes). The eight-hour workday does not include time for lunch, breaks, or other interruptions. The calculations are shown in Table 3 below.

Table 3. Calculation of Circuit Court Judge Year Value

Available Days	365
LESS	
Weekends	104
Holidays	11.5
Annual Leave	25
Sick Leave	4
Personal Leave	5 5
Education	8
TOTAL	**207 days**

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[3] Source: Maryland Judiciary *1999-2000 Annual Report statistical abstract*, page CC8.

The judge year value then needs to be adjusted for the amount of time a judge must travel and for the amount of time a judge spends on non-case related work. Both travel time and non-case related activity time were tracked in the judicial time study. The result was two categories of courts based primarily on the number of judges that are present in each county: (1) Large Courts (10 or more judges), and (2) Small Courts (less than 10 judges). The placement of individual courts by category is indicated in Table 6 on page 21. The average travel and non-case related activity time were then subtracted from the judge year value because they represent time NOT available for processing cases. The travel time and non-case time for the different categories of court are shown in Table 4 below.

Table 4. Monthly Travel and Non-Case Related Times for the Circuit Courts*
(*In hours)

Category of Court	Travel	Non-Case Related Administration	Community Activities and Education	Other Non-Case Related Judicial Activities
Large Courts	1.40	10.53	4.97	4.21
Small Courts	5.62	14.45	3.88	4.39

This information coupled with the number of judge days available each year results in the number of hours/minutes available for circuit court judges to process cases each year. The annual hours and minutes available per judge are shown in Table 5 for each category.

Table 5. Annual Circuit Court Judge Hours/Minutes Available for Case Processing

Large Courts

Annual Hours/Minutes Available	Hours	Minutes
Base	2920	175200
Weekends	*832*	*49920*
Holidays	*92*	*5520*
Vacation	*199*	*11933*
Sick leave	*32*	*1920*
Personal Leave	*45*	*2717*
Judicial Education	*96*	*5760*
Travel	*17*	*1008*
Non-Case Related Administration	*126*	*7582*
Community Activities	*60*	*3578*
Other Judicial Activities	*51*	*3031*
Subtotal	1549	92969
Adjusted Hours/Minutes Available	1371	82231

Small Courts

Annual Hours/Minutes Available	Hours	Minutes
Base	2920	175200
Weekends	*832*	*49920*
Holidays	*92*	*5520*
Vacation	*199*	*11933*
Sick leave	*32*	*1920*
Personal Leave	*45*	*2717*
Judicial Education	*96*	*5760*
Travel	*67*	*4046*
Non-Case Related Administration	*173*	*10404*
Community Activities	*47*	*2794*
Other Judicial Activities	*53*	*3161*
Subtotal	1636	98174
Adjusted Hours/Minutes Available	1284	77026

Table 6. Large and Small Courts By County

Large Courts	Small Courts
Anne Arundel	Allegany
Baltimore	Calvert
Baltimore City	Caroline
Montgomery	Carroll
Prince George's	Cecil
	Charles
	Dorchester
	Frederick
	Garrett
	Harford
	Howard
	Kent
	Queen Anne's
	Somerset
	St. Mary's
	Talbot
	Washington
	Wicomico
	Worcester

J.   Workload Standards

Workload Standards are then generated for each category of court by dividing the number of judge minutes available per year (shown in Table 5) by the case weight (average number of minutes per case shown in Table 2) to determine the number of cases a single judge could be expected to handle in one year if he or she was only handling that particular case type.

For example, the number of minutes required to handle the average delinquency case was 26.12 minutes. The number of minutes available per year for a judge to process cases is 82,231 minutes in large counties and 77,026 minutes in small counties. Dividing the number of minutes available per year for each category of county (large or small) by the number of minutes required,

on average, to handle each case filed results in the number of cases of a particular type a single judge could handle in one year (i.e. 82.231 / 26.12 = 3148 cases and 77.026 / 26.12 = 2949 cases). The resulting workload standards per judge/per year for each case type are shown in Table 7 below by category of county.

Table 7. Annual Circuit Court Judge Workload Standards

Type of Case	Large Counties	Small Counties
Adoptions & Guardianships	877	821
Civil Appeals	775	726
Criminal Appeals	903	846
Criminal Indictments	1191	1115
Contracts	459	430
Divorce	2120	1986
Domestic Violence	1526	1430
Delinquency	3148	2949
Criminal Jury Trial Prayer	3242	3037
CINA	1824	1708
CINS	1584	1484
Other Civil	3245	3040
Other Domestic	2020	1892
Other Juvenile	1716	1608
Post Conviction	312	292
Paternity and Non-Support	1978	1853
Torts	575	538
TPR and Guardianships	1098	1028

K.   Judicial Resource Count

The number of judicial resources, i.e., the number of circuit court judges currently allotted to the counties was obtained from the Maryland AOC.

L.   Required Judicial Resources

The number of judicial resources needed to process the workload of each circuit is calculated by dividing the number of filings by the workload standard. The result is the number of judges required to process the workload of each circuit.

V.   Interpretation of the Maryland Circuit Court Workload Assessment Models

A.   Judicial FTE Needs Estimated by the Model

Based on FY 2001 filings, the judicial workload assessment model for circuit court estimates that overall the circuit courts currently need an additional 21.62 judges.

Table 8. Overall Circuit Court Judge Need by Circuit

Circuit Court
Judge Actual, and Need
FY 2001*

Circuit	Judges Actual	Additional Judges Needed
1st	7.00	1.57
2nd	7.00	0.77
3rd	21.00	3.34
4th	7.00	1.08
5th	18.00	2.76
6th	21.00	6.56
7th	32.00	2.76
8th	30.00	2.80
Total	**143.00**	**21.62**

*FY 2001 filing projections provided by the Maryland Administrative Office of the Courts

B.   Qualitative Factors Affecting the Determination of Judicial Resources

Qualitative factors also can affect judicial resource needs. There can be legal *cultural* differences that result in some case types taking longer in some counties within a single state. For example, the practice styles of local attorneys often have a significant impact on case processing times. What might be considered an efficient presentation to a court in a larger city might be considered too rushed in a less pressured environment. The dynamics of local scheduling practices

can also influence the interpretation of the model. In a smaller court, something as trivial as one defendant who fails to appear may waste a good part of a judge's morning if there is no other court business that can be dealt with while the judge is waiting. Another qualitative factor to consider when interpreting the model is that rural areas may require more judges than the model estimates to provide reasonable access to judicial services.

Another qualitative factor that often needs to be considered is the economies of scale that may affect the interpretation of the model. Usually in the more populated counties and larger urban courts there exists economy of scale effects that are reflected in faster processing times and the ability to process more cases in a judge year because these larger courts have the ability to work more efficiently. For example, a larger court can have a judicial division of labor that leads to specialization.

While a workload assessment model provides a baseline from which to establish the need for judges, no set of statistical criteria will be so complete that it encompasses all contingencies. In addition to the statistical information, individual characteristics of the courts must be examined before any changes to a court's judicial complement are recommended. The outline below describes a general procedure that can be undertaken if the workload assessment estimates indicate a particular court is over- or under- judged.

1. Determine whether the judges and administrative staff of the particular court believe they need additional judicial resources through a systematic procedure to solicit local opinion. Input also should be sought from the state or local court administrator, members of the bar, and other local leaders. A procedure should be established to obtain local input in writing.

2. Examine caseload trends over time to determine whether caseloads are increasing, decreasing, or remaining steady. Attention also should be paid to whether the court has an unusual caseload mix.

3. Review court organization to ensure that the court is structured and managed to make the most effective use of additional resources.

4. Explore options that will address concern over judicial workload without increasing the number of permanent, full-time judges. Options include (a) making greater use of

judicial officers, (b) utilizing retired judges on a part-time or contractual basis, (c) using alternative dispute resolution. and (d) simplifying the procedures for less complex cases.

5. Keep in mind that judicial productivity, and hence the need for new judges, also depends on the effectiveness of court staff and the available technology. Without the proper type and level of support, judges may be performing some tasks that could be delegated to qualified staff or perhaps new court technology could support more efficient administrative procedures (e.g., case screening, case clustering, and case tracking).

6. Annual judge time available to process cases is affected by increases in administrative activity, committee work, education, and training, etc. These changes should continue to be evaluated and factored into the assessment.

The workload assessment approach provides an objective measure of the judicial resources needed to resolve cases effectively and efficiently. Like any model, it is most effective as a *guide* to workloads, not a rigid formula. The numbers need to be tempered by a qualitative assessment that must be an integral part of any judicial workload assessment.

VI.   Keeping the Workload Assessment Model Current and Future Use of the Model

In the absence of any significant changes in case processing, court structure, or jurisdiction in the Maryland Judicial System, the case weights developed during the course of this study should be accurate for many years. However, periodic updating is necessary to ensure that the case weights continue to accurately represent judicial workload. Increased efficiency, statutory or procedural changes, or implementation of various case flow management initiatives over time may result in significant changes in case processing. There should be no reason to redo the study or to undertake a complete, statewide sampling of time study data. Instead, efforts should be made to identify only those case types for which time study data may have changed significantly from the initial study results. Relatively small-scale samples then can be taken from certain judges in counties from across the state to assess whether any adjustments to certain case weights are warranted.

The workload assessment models are tools that can be used effectively in judicial resource management. The 2000-2001 filings data were used to validate the model, and indicate the judicial resources need as of June 30, 2001. Over the last five years, filings in Maryland's circuit courts have increased 8.2% from 268,399 in 1996 to 290,512 in 2000. Therefore, since the need indicated is based on 2000-2001 filings, it can be concluded that the need for judicial resources in the circuit courts for the current fiscal year is greater than the need indicated in this report. The real power of the models lies in their applicability in predicting future judicial resource needs with caseload projection analysis.

VII.   Conclusion and Recommendations

Data received through this workload assessment study indicate that circuit court judges in Maryland are, on average, currently working approximately 10-12 hours per day in order to meet the workload demands inherent in the current caseload. It would be a difficult, if not impossible task, to sustain this pace of work over a prolonged period of time. Thus, absent the infusion of additional resources the efficient operation of the current system will begin to decline.

Based upon the data analysis by the NCSC, the case weights for the Maryland circuit courts demonstrate a total need for additional 21.62 judges for all circuits combined. Again, it is important to note that no quantitative assessment method can precisely determine the number of judges required within a court. However, quantitative methods, such as this judicial staffing model can approximate the need for staff and provide a point of reference or standard for comparing relative need among courts. Other measures, both qualitative and quantitative, may be used in conjunction with the caseload standards to support the assessment of need. In particular, should the standards show the need for a fractional judge position (less than the full-time equivalent), additional assessments as to the relative workload per judge within a circuit may be useful. Also, other useful measures may include analysis of budget constraints, population trends, and other factors that may differentially affect the need for judicial resources across the state. Finally, additional information should be included with the weighted caseload standard calculation as part of a court's needs assessment package, when local resource needs are perceived differently from the weighted caseload system findings. The weighted caseload standard calculation should be used as a benchmark that may be adjusted according to evidence provided by additional objective measures of need.

APPENDIX A

Maryland Circuit Judges Recording Forms and Instructions

MARYLAND CIRCUIT COURT WORKLOAD ASSESSMENT STUDY

CASE-RELATED DATA COLLECTION FORM

Use a new form as needed. Be sure to enter today's date, your ID number, district, and county on each form. Please be sure to completely fill in all relevant information accurately. Additional instructions are provided separately. Comments regarding any of the three entries are to be completed on the back of this form.

Judge ID: _____

Circuit: _____

County: _____

Date:
- ☐ September _____, 2000
- ☐ October _____, 2000

Entry 1

☐ In Court
☐ Out of Court

Case Type

Family
- ☐ Domestic Violence
- ☐ Paternity and Non Support
- ☐ Divorce
- ☐ Adoptions and Guardianships
- ☐ Other Domestic Relations

Juvenile
- ☐ Delinquency
- ☐ CINS
- ☐ CINA
- ☐ TPR & Guardianship
- ☐ Other

Civil
- ☐ Tort
- ☐ Contract
- ☐ Appeal
- ☐ ADR
- ☐ Other

Criminal
- ☐ Indictment and Information
- ☐ De Novo Appeal
- ☐ Jury Trial Prayer
- ☐ Post Conviction

Event Type
- ☐ Pre Trial
- ☐ Bench Trial
- ☐ Jury Trial
- ☐ Post Trial

☐ Case Related Administration

Time in Minutes _____

Number of Cases Disposed, Reviewed, etc _____

Entry 2

☐ In Court
☐ Out of Court

Case Type

Family
- ☐ Domestic Violence
- ☐ Paternity and Non Support
- ☐ Divorce
- ☐ Adoptions and Guardianships
- ☐ Other Domestic Relations

Juvenile
- ☐ Delinquency
- ☐ CINS
- ☐ CINA
- ☐ TPR & Guardianship
- ☐ Other

Civil
- ☐ Tort
- ☐ Contract
- ☐ Appeal
- ☐ ADR
- ☐ Other

Criminal
- ☐ Indictment and Information
- ☐ De Novo Appeal
- ☐ Jury Trial Prayer
- ☐ Post Conviction

Event Type
- ☐ Pre Trial
- ☐ Bench Trial
- ☐ Jury Trial
- ☐ Post Trial

☐ Case Related Administration

Time in Minutes _____

Number of Cases Disposed, Reviewed, etc _____

Entry 3

☐ In Court
☐ Out of Court

Case Type

Family
- ☐ Domestic Violence
- ☐ Paternity and Non Support
- ☐ Divorce
- ☐ Adoptions and Guardianships
- ☐ Other Domestic Relations

Juvenile
- ☐ Delinquency
- ☐ CINS
- ☐ CINA
- ☐ TPR & Guardianship
- ☐ Other

Civil
- ☐ Tort
- ☐ Contract
- ☐ Appeal
- ☐ ADR
- ☐ Other

Criminal
- ☐ Indictment and Information
- ☐ De Novo Appeal
- ☐ Jury Trial Prayer
- ☐ Post Conviction

Event Type
- ☐ Pre Trial
- ☐ Bench Trial
- ☐ Jury Trial
- ☐ Post Trial

☐ Case Related Administration

Time in Minutes _____

Number of Cases Disposed, Reviewed, etc _____

MARYLAND CIRCUIT COURT WORKLOAD ASSESSMENT STUDY

CASE-RELATED DATA COLLECTION (COMMENT FORM)

Use a new form as needed. Be sure to enter your ID number on each form. Please be sure to completely fill in all relevant information accurately. Additional instructions are provided separately.

Judge ID:

Comments:

Comments:

Comments:

Maryland Circuit Court Workload Assessment Study – Non-Case Related Data Collection Form

Judge ID Number _____

Record activities that are **not** captured on the Case-Related Data Collection Form. Including non-case-related administration, judicial training and conferences, travel time, vacation, holidays, illness, community activities and education, and other comparable events.

Event Codes	
1=Non Case-Related Administration	4=Travel time (work related <u>only</u>)
2=Judicial education and training	5=Vacation/ Illness
3=Community activities, education, speaking engagements	6=Other

Date	Event Code (1-6)	Activity (Brief Description)	Actual Amount of Time Spent (In Minutes)

Maryland Workload Assessment
Circuit and District Court Judicial Recording Form Instructions

Record your time from MONDAY, August 28th to TUESDAY, October 31st.

Confidentiality

This workload assessment IS NOT A PERFORMANCE EVALUATION OF INDIVIDUAL JUDGES. One of the most important components of the workload assessment model is the time-study information (i.e., the amount of time a judge spends on his or her caseload, administrative time, non-case-related work time, and traveling). To this end, we need to monitor and track the recording forms we receive. This is the purpose for recording the judge identification number and date on all recording forms. The time-study data we receive from the individual judges is entered into a database that is only used to develop the workload assessment model. Be assured there is no identification of individual judges in the final report. Also, information on individual judges from the time-study database is not shared with the Maryland Supreme Court or the Office of the State Court Administrator. The data collected is the property of the National Center for State Courts, which is not a public organization subject to Maryland public records law.

General Instructions

The goal of recording judicial time is to account for all judicial work, whether in the courtroom, chambers, or outside the courthouse, for each case type and event. The data collection form is designed to record the time spent on the various case types and activities/events that comprise your judicial workload. The top portion of the form is used to record identifying information that will be used for tracking and validation. Information to be recorded includes: judge number, the circuit or district the work was performed in, the county the work was performed in, and the month and date the work was performed. The remaining sections of the form include check-the-box and fill in the box divisions designed to record where the work was completed, in or out of court, the specific case type, the event type, the number of minutes spent on the case type/activity, and the number of cases reviewed, disposed, etc. Notes on jurisdictional differences: the Circuit court judges will record jury and bench trial activity and the District court judges will record whether case-related work was conducted in or out of court.

Case-Related Activity

Record the number of minutes you spend on the different case types. Record by case type rather than by individual case. Aggregate time may be recorded for all cases that share codes for case type and event. In general, one entry on one form should be completed for each case type and event code combination. For example, if in a three-hour period you conduct felony

arraignments, routine traffic arraignments, a felony bench trial, and misdemeanor bench trials interspersed throughout the docket, you should aggregate the estimated time spent on each case type and event code combination. Thus, you would have a total of four entries on two forms (three entries per form) for this three-hour time period: one entry for all the felony arraignments, one entry for all the routine traffic arraignments, one entry for the felony bench trial, and one entry for all the misdemeanor bench trials.

A multi-day trial should have a completed section on one form for each day. For instance, if a civil jury trial lasted three days, then, there would be one completed entry on three separate forms.

In general, record all judicial activity.

- Record judicial activity outside the courtroom, including time spent working at home or on the weekends.
- Do not record time for lunch, breaks, and personal time during the day.
- Also, do not record time spent on filling out forms for this study, as you will not be performing this function after Tuesday, October 31st.
- When you are substituting for another judge, fill in your judge number and the county that you are performing the work in. Note in the comments section that you helped out in another county. BUT record time only in the counties (circuits/districts) that are participating in the time study. If you substitute for another judge in a county that is not participating in the time study, note only your travel time.

Group your forms by the day and mail them at the end of every Friday to:

> **Ann Jones – MD Workload Assessment**
> **National Center for State Courts**
> **1331 17th Street, Suite 402**
> **Denver, CO 80202-1554**

To facilitate orderly data entry, please be sure to mail the forms regularly at the end of the week. It is okay if the mail does not go out until Monday. Be sure you mail the last packet of forms right after the last day of the study.

If you have any questions concerning the recording of time on this form, please contact the appropriate NCSC project team member as follows:

Circuit Judges please contact **David Tapley** at (800) 466-3063
District Judges please contact **John Douglas** at (800) 466-3063.

DEFINITIONS OF CERTAIN CASE TYPES AND NON CASE-RELATED EVENTS:

Family

1. **Paternity/ Non-Support** – A suit to determine fatherhood a criminal case involving the charge of nonsupport.
2. **Divorce** – A proceeding to dissolve a marriage. Original filings under this category include limited and absolute divorces and annulments. A reopened case under this category includes hearings held after final decree or other termination in the original case. A reopened case may involve review of matters other than the divorce itself as long as the original case was a divorce. (Examples of the latter may be a contempt proceeding for nonpayment of support, noncompliance with custody agreement, modification of support, custody, etc.).
3. **Adoptions and Guardianships** – This includes all adoptions and guardianships including regular adoptions, guardianship with right to consent to long-term care short of adoption.
4. **Other Domestic Relations** – Matters related to the family other than divorce, guardianship, adoption, or paternity. Examples of this category include support, custody, and U.R.E.S.A. cases.

Juvenile

(Recorded on a separate form)

5. **Delinquency** – Commission of an act by a juvenile that would be a crime if committed by an adult.
6. **CINS (Child in Need of Supervision)** – Refers to a child who requires guidance, treatment, or rehabilitation because of habitual truancy, ungovernableness, or behavior that would endanger himself or others. Also included in this category is the commission of an offense applicable only to children.
7. **CINA (Child in Need of Assistance)** – Refers to a child who needs the assistance of the court because:
    a) The child is mentally handicapped or
    b) Is not receiving ordinary and proper care and attention, and
    c) The parents, guardian, or custodian are unable or unwilling to give proper care and attention.

Civil

8. **Contracts** – A case involving a dispute over oral or written agreements between two or more parties. This includes breaches of verbal or written contracts and Landlord/tenant appeals from District Court.
9. **Appeal** – The resorting to a higher court to review, rehear, or retry a decision of a tribunal below. Appeals to the Circuit Courts include:
    Record – The judge's review of a written or electronic recording of the proceedings in the District Court.
    De Novo – see below under **Criminal**.
    Administrative Agency – Appeals from decisions rendered by administrative agencies.
10. **ADR (Alternative Dispute Resolution)** – any case submitted or ordered to seek an informal process in which a neutral third party is available to assist litigants in negotiating a mutually acceptable agreement in civil cases.

Criminal

11. **De Novo Appeal** - The retrial of an entire case initially tried in the District Court.
12. **Jury Trial Prayer (both Motor Vehicle and Criminal)** – A request for a trial by jury in the Circuit Court for charges normally heard in the District Court. To pray a jury trial in a motor vehicle case, the authorized sentence must be for more than 90 days and/or $500.
13. **Post Conviction** – Proceeding, other than appeal, instituted to set aside a conviction or to correct a sentence that was unlawfully imposed.

1.   **Non Case-Related Administration** - includes work directly related to the *administration or operation* of the court. For example,

- personnel issues,

- case assignment,

- internal staff meetings

- calendaring

2. **Judicial education and training** – includes continuing education and professional development, statewide judicial meetings, and out-of-state education programs permitted by the state.

3.   **Community activities, education, speaking engagements** – includes time spent on community and civic activities in your role as a judge, e.g., speaking at a local bar luncheon, attendance at rotary functions, or Law Day at the local high school. This activity also includes preparing or officiating at weddings for which you are not paid. DO NOT record weddings where you are paid.
Another rule of thumb to use when you are not sure whether an activity performed in your role as judge can be recorded as community activity, etc. or not recorded at all is whether you get paid (above your judicial salary) for the activity. For example, if you teach a course in criminal justice at your local college *or teaching a trial advocacy course at the local law school*, that time would not count as community activity, etc. Although being a judge may have qualified you to teach the course, this activity is outside your judicial workload. Also, there is probably pay associated with teaching the course. On the other hand, a one-time lecture at the high school on Law Day does count as community activity, etc.

4.   **Travel time** – includes the amount of time spent "circuit riding", traveling to another court when you are substituting for another judge or another reason, and time spent traveling to meetings or civic/community functions.
Travel Time on Weekends: If you are required to go into work on the weekends, such as to the courthouse or the jail, record the time as it is not your Monday through Friday commute time. DO NOT record you Monday through Friday commute time.

5.   **Vacation/ Illness** – includes any non-recognized holiday time. DO NOT record state recognized holidays as they have already been accounted for in the determination of the Judge Year Value.

NATIONAL CENTER FOR STATE COURTS

WORKLOAD ASSESSMENT MODEL FOR THE DISTRICT COURT OF MARYLAND

Final Report

August 2001

Project Director
Timothy Fautsko

Project Staff

John W. Douglas   Christopher T. Ryan
Ann Jones   David Tapley

Vice President
Daniel J. Hall

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APPENDICES

EXECUTIVE SUMMARY

- The Maryland Administrative Office of the Courts retained the consulting services of the National Center for State Courts in May of 2000 to conduct separate, but coordinated workload assessment studies for the circuit courts and the District Court to provide quantitative documentation of the resource needs of the state's trial courts.

- Data collection for the disposition-based workload assessment study for the District Court took place in September and October 2000 in jurisdictions throughout the state of Maryland.

- Fifty-nine District Court Judges completed time-study recording forms representing a total of 684,625 minutes of District Court work, both inside and outside of the courtroom.

- Filing and disposition data from Fiscal Year 2000 were provided by the Maryland Administrative Office of the Courts.

- The Maryland Judges Workload Assessment Policy Committee contributed to the study by determining case types for data collection, suggested participants, along with an estimate of the available judge year.

- The workload assessment model for the District Court estimates that 117.99 judges were needed to process the 2000 case filings, an overall judicial deficit of 13.99 judges.

- The validation of the Maryland District Court Workload Assessment Models on the 2000 filings has been completed and supports the statistical validity and soundness of the models for judicial resource management.

- The quantitative workload assessment models must be tempered with qualitative considerations and interpreted within the social, cultural, and political framework of Maryland.

I.　　Introduction

State judicial leaders face continual challenges of effectively managing rising caseloads, disposing of court business without delay, and delivering quality service to the public. Two constant and recurring problems are inherent within these challenges: (1) objectively assessing the number of judges required to handle current and future caseloads and (2) deciding whether judicial resources are being allocated and used appropriately. In response to these multiple and sometimes conflicting challenges and problems, state judicial leaders are increasingly turning to more sophisticated techniques to provide quantitative documentation of judicial resource needs in the state trial courts. Assessing the judicial workload through the development of a workload assessment model is a rational, credible, and practical method for determining the need for judges and judicial officers.

At the present time, Maryland has a Delphi methodology in place to determine the need for additional District Court judges.

The National Center for State Courts (NCSC) was commissioned by the Chief Judge of the Court of Appeals through the Administrative Office of the Courts (AOC) to conduct a judicial workload assessment study. This judicial workload assessment study was designed to measure the workload of the state's trial courts. There are currently 108 District Court judgeships serving Maryland's twelve judicial districts. The District Court has jurisdiction over criminal cases including motor vehicle and boating violations, and civil cases. In Montgomery County, it also has jurisdiction over juvenile cases. The District Court hears civil disputes where the amount in question is $25,000 or less, all replevin actions, most of the state's civil domestic violence and landlord tenant cases, criminal misdemeanors, some criminal felonies and nearly all of the state's routine and serious traffic cases. There are no jury trials in the District Court, a person who is entitled to and makes a timely request for a trial by jury in either a civil or criminal case proceeds in a circuit court.

This report details the methodology of the Maryland District Court Workload Assessment Study and presents a workload assessment model containing differentiated case processes time

standards for each of the major case types handled by the District Court.[1] Specific objectives of the judicial workload assessment study are as follows:

- To conduct a quantitative evaluation of judicial resources on a statewide basis.
- To provide accurate, easily understandable criteria to assess the need for additional judicial resources.
- To provide a valid method for determining the need for additional judicial resources among the state's counties.
- To measure the effect of changes in case filings for individual case types or case processing procedures on the need for judicial resources.

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[1] A workload assessment model is a quantitative representation of the inter-related variables that work together to determine judicial resource needs. A change in one variable will affect other variables and the total determination of judicial resource needs. The term "model" is commonly used in the social sciences to denote this relationship of variables.

II.   Overview of a Workload Assessment Model

State courts vary in complexity. Different types of cases require different amounts of time and attention from judges, other judicial officers, and court support staff. Focusing on raw case counts without allowing for differences in the amount of work associated with each case type creates an opportunity for the misperception that equal numbers of cases filed for two different case types result in an equivalent amount of work for the court. For example, a typical criminal felony case has a much greater impact on the resources of a court than a traffic case. Furthermore, certain other case types, such as domestic relations cases involving minor children and juvenile abuse and neglect cases, may require continued judicial attention over a long period of time.

Workload assessment is a resource assessment methodology that is being adopted by an increasing number of states to determine the need for judges and other judicial officers. The method "weights" cases to account for the varying complexity and need for judicial attention among court cases. By weighting court cases, a more accurate assessment can be made of the amount of judicial time required to process the court's caseload, i.e., the judicial workload. Moreover, workload assessment models have the advantage of providing objective and standardized assessments of judicial resource needs among courts that vary in population and caseload mix.

The core of the workload assessment model is a time-study whereby judges keep track of the amount of time they spend on the various case types. When the time-study data are joined with disposition data for the same time period, it is possible to construct a "case weight" for each case type. The case weights represent the average bench and non-bench time (in minutes) required to reach a disposition for each case type. Applying the case weights to current or projected case filing numbers results in a measure of judicial workload. When the workloads are divided by the amount of time available per judicial officer, an estimate of judicial resource requirements results. This approach, which involves few complicated procedures, is sufficiently rigorous to measure resource needs and evaluate resource allocations.

It is important to remember that even the most widely used and accepted resource assessment techniques, including the workload assessment model, will not objectively determine the *exact* number of judges needed to stay current with caseloads. No quantitative resource assessment *model* by itself can accomplish that goal. Instead, a quantitative model can only *approximate* the need for judicial resources. The results can then be used in concert with other considerations,

including budget constraints, population trends, and other more qualitative, court-specific factors that may differentially affect the need for judicial resources statewide. For example, based on the number of case filings, the model may estimate that a rural, less densely settled county might need fewer judicial full-time equivalents (FTEs) than are currently allocated. However, this quantitative estimate needs to be tempered with the knowledge that a rural court has more scheduling gaps than an urban court for a variety of reasons. This type of qualitative factor is not taken into consideration in the quantitative model and policymakers must be cognizant of this limitation.

For instance, rural areas may require more judges than the model estimates to provide reasonable access to judicial services. Additionally, factors such as the practice styles of local attorneys often have a significant impact on case processing times; what might be considered an efficient presentation to a court in a larger city might be considered too rushed in a less pressured environment. In a smaller court, something as trivial as one defendant who fails to appear may waste a good part of a judge's morning if there is no other court business that can be dealt with while the judge is waiting. Usually in the more populated counties and larger urban courts there exists economy of scale effects that are reflected in faster processing times and the ability to process more cases in a judge year because these larger courts have the ability to work more efficiently by implementing judicial divisions of labor through specialized dockets. Due to qualitative factors such as these, it is important to remember that the quantitative model is only one piece of information in evaluating the need for judicial resources.

III.   Methodology

This section of the report describes the disposition-based methodology of a workload assessment study in general. The following section (Section IV) describes the tailoring of the disposition-based methodology to the District Court of Maryland.

Steps in the Model

The NCSC project team used the disposition-based workload assessment algorithm to construct the Maryland District Court judicial workload assessment model. The disposition-based model is a very straightforward model. The steps are described below.

- *Step 1: Selection of representative sample courts* - as a rule only a sample of courts participate in the study and the results are then extrapolated to the rest of the state. The sample chosen must be representative of the state as a whole.
- *Step 2: Categorization of case types* - all the case types used in the state must be collapsed to fewer categories to facilitate reporting and ensure that enough data on various case types will be reported during the time-study to avoid sampling error.
- *Step 3: Decision of study period length* – the length of the reporting period required to ensure that enough time-study and disposition data will be gathered for the various case types so that sampling error will not be a problem.
- *Step 4: Time-study* - judges keep track of the amount of time they spend processing the different case types and all their other judicial activities for a specific period of time.
- *Step 5: Disposition count* - the number of dispositions for the different case types are counted for the same period of time.
- *Step 6: Construction of the case weights* – the total number of minutes spent processing each case type is divided by the total number of dispositions for the case type. The results are the case weights: the average number of minutes needed to process the different case types.
- *Step 7: Filings count* – the number of filings for the different case types are counted for a year's worth of time for each county.

- *Step 8: Calculation of the workload* – the case weight for each case type is multiplied by the number of filings for that case type to determine the workload of each court, resulting in the amount of judicial resource time required to process the caseload.

- *Step 9: Determination of the judge year value* – the average amount of time in minutes a judge has available during the year to process his or her workload.

- *Step 10: Judicial resource count* - the number of judicial resources, including judges and judicial officers, are counted for each county.

- *Step 11: Calculation of judicial resource needs* - the workload for a county is divided by the judge year value to determine the number of judicial resources needed to process the workload of the county.

- *Step 12: Comparison of actual judicial resources and required judicial resources* - the number of judicial resources required to process the caseload of a county is subtracted from the number of judicial resources currently in the county. A positive difference shows that there are more judicial resources than needed and a negative difference shows that there are fewer judicial resources than needed.

Although the steps in a workload assessment algorithm are straightforward and do not require any calculations beyond arithmetic, there are hidden pitfalls and assumptions that must be addressed to ensure a valid model. The confidence in conclusions drawn from any research endeavor depends on the adequacy and accuracy of the data collected to support the research. For example, different courts throughout the state may count filings and dispositions differently. One court may count all charges against one defendant filed on the same day as one filing (and hence one disposition), while another may count each charge as a separate filing (and hence separate dispositions). The way of counting filings and dispositions across a state should be standardized to ensure that the workload assessment model compares like values, and therefore to provide an accurate assessment of the resource need. Fortunately, the District Court of Maryland is one statewide court with uniform practices and standards so this was not an issue in this study.

It is also necessary to determine the average amount of time a judge takes for vacation, illness, and conferences during the construction of the model. The Maryland Judges' Workload Assessment Policy Committee comprised of District Court and Circuit Court Judges was formed to

help tailor the workload assessment methodology to Maryland. For example, decisions on sample sites, categorization of the case types, and an estimation of judge year length were made by this committee in consultation with the NCSC project team.

Step 1 – Sample Site Selection

As a rule, it is not necessary that all the courts in a state participate in the time-study. Rather, a representative selection of sites (which reflect the variability in the state) participate, and their times are extrapolated to the rest of the state. The set of sampling criteria used in the selection of sites includes a mixture of court sizes, some rural and some urban courts, some specialized and some unspecialized courts, a geographical mix of courts, a reputation for efficient case processing, and an interest in participating on the part of the judges.

Step 2 - Case Type Categorization

The more case type categories that are included in a workload assessment study, the larger the data samples need to be to guarantee statistical validity. Efforts need to be made to include enough categories of case types to develop realistic and reasonable case weights, while minimizing the burden and costs associated with the judicial time-study. The criterion that guides the case type categorization is aggregation of case types within one category of similar type and complexity that are processed in a similar manner in terms of judicial time.

Step 3 - Length of Study Period Decision

The length for the time-study portion of the study is a function of the number of District Court locations participating, the number of judges participating, the number of case types being measured, and the volume of filings.

An important point to remember is that the study period is a *snapshot in time*. There is no attempt made in a workload assessment study to follow specific cases from filing to disposition. Rather, the disposition-based workload assessment methodology is designed to take a snapshot of court activity and compare the *input* of judicial time to the *output* of case dispositions. Keeping data collection to a specified time period means few cases will actually complete the journey from filing to disposition during the study period. Yet, because the focus of the study is on *how long* it takes to do various case types given the number of dispositions reported for that time period, it is

not necessary to actually track any given case from start to finish. What is necessary is the gathering of time data on all judicial activities during the time-study.

Each participating court processes a number of each type of case to be weighted in varying *stages* of the case life cycle (i.e., some particular types of cases are in the pretrial phase, other similar types of cases are in the trial phase, while still others of the same type of case are in the post-trial stage). Moreover, if the study period is representative, then the mix of new, trial, and post-judgment activities conducted for each type of case, as well as the time devoted to each type of event will be representative of the type of work entering the court throughout the year. Therefore, the study period provides a direct measure of the amount of judicial time devoted to processing each type of case to be weighted over the life of the case. The time-study is a composite of separate (though likely similar) cases observed at various points in the case life cycle.

Step 4 - Time-Study

The time-study is the core of a workload assessment study and the participating judges collect the data as they work throughout the day. The judges record the time spent on various case types on a recording form, one form per day. All time spent on judicial matters throughout the day or in the evening is to be recorded. Judicial matters include both bench and non-bench time processing cases, case-related work, non-casework, and travel time between courthouses for a circuit riding judge. Non-case related activity is a catch-all category and includes legal research and writing time that cannot be attributed to a specific case, staff meetings, general office and administrative tasks, and other judicial duties such as speaking at the local high school about the judicial system.

Step 5 - Disposition Count

A count of dispositions is important to the construction of a valid workload assessment model when using disposition-based methodology. The number of dispositions can be collected several ways; by the judges themselves during the time-study, by the clerks of court after the study period ends, or using the reports from the court's automated case management system. As with the filings, it is important to be sure that all courts in the state are counting the dispositions in the same way to ensure that like events are being compared in the final model. Again, this was not a concern in studying the District Court of Maryland.

Step 6 - Case Weight Construction

Case weight construction occurs after all recording forms have been recorded in a database and the database has been checked for inconsistencies and errors. The total number of minutes per case type for all the judges are summed and the resulting number of minutes is divided by the number of dispositions for that case type. The result is called the case weight, the average number of minutes required to process each case type in the state. Case weight construction does not account for all the minutes recorded by the judges; non-casework and travel time are not included in the case weight but are included in the determination of judge year value.

A question that needs to be addressed is how many different case weights per case type to calculate in a state. Often the state's larger courts have faster average processing times because of the inherent economies of scale that a larger court possesses. For example, a larger court can create dockets of similar types of cases that can work more efficiently than courts where dockets contain a variety of casetypes. Also, a smaller court with less activity is more prone to scheduling gaps and concomitant dead time than a larger court that has many defendants waiting to appear before the judge if one defendant does not appear. So, should a larger, i.e., faster, court have different case weights than the smaller courts in the state? Guideline 9 *in Assessing the Need for Judges and Court Support Staff*[2] recommends that a single set of case weights for judges within a state is preferable to multiple weights. However, one should evaluate differences in time requirements or case mix across courts of different sizes to determine if separate weights are needed. Another way to deal with differences engendered by economies of scale is to adjust the caseloads of the counties to correct for the differences and use a single case weight. For example, in a small rural county, it may be demonstrated that, on average, it takes approximately twice the amount of judge time to handle a divorce case than it takes in a large urban court. When implementing the model, you may wish to give the small court in this example a credit for twice the number of filings that actually occurred, to account for the difference in judicial time needed.

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[2] V.E. Flango and B.J. Ostrom, *Assessing the Need for Judges and Court Support Staff*, National Center for State Courts (1996)

Step 7 - Filings Count

The number of filings per county is used to both validate the model and apply the model to future scenarios. For example, the filings for the previous year are traditionally used to validate the model. The results can then be compared to the existing complement of judicial resources within each county to substantiate the accuracy of the case weights. The crucial question is: could all of the cases filed and disposed in the previous year have been processed according to the weights assigned? If the answer is affirmative, this lends considerable credence to the resulting case weights. If, however, the answer is negative, the case weights may need further revision.

Once the model is validated, the state can replace the previous year's filing numbers with actual or estimated filings for future years to see where judicial resources are indicated. For example, ten years of historic filing data by case type could be projected ten years into the future and the new filings numbers substituted into the model to see what changes ten years will bring in judicial resource needs. Or, if new legislation is contemplated that will, for example, change a class of misdemeanors to felonies, or additional federal requirements are added to an area of juvenile cases, the additional time required to process the new workload and additional judicial resource requirements can be calculated. To provide realistic estimates of future judgeship needs, the workload assessment model should be applied to projected filings by district. Of course, to project future needs one must not only have the mathematic formula based on current practices and conditions, but one must also factor any change in practice that would affect the formula. For example, if a rule is changed which causes certain hearings to take longer, the actual case weights will need to be adjusted accordingly.

Step 8 - Workload Calculation

The workload calculation transforms the *caseload* (i.e., the raw filings count) into the *workload* (the number of minutes required to process the cases). The workload calculation is the sum of the product of the individual case weights multiplied by the number of filings for that case type.

Step 9 - Judge Year Value Determination

The judge year value is an estimate of the amount of time the *average* judge has available to process cases during the year. It is a subset of the amount of time that the average judge *works*.

The judge year value reflects how much time is available to each judge to process the case-related events (both in court activities and in chambers case-related administrative activities) that are accounted for in the case weights. The calculation of judge year value is essentially a two step process: (1) determine the number of days actually available per year for judges to process cases and (2) determine the number of hours per day that judges spend on case-related work.

Many assumptions underlie the determination of the judge year value. To determine the number of days available to process cases, weekends, holidays, and time related to vacations, illness, and attendance at statewide judicial conferences, meetings, and seminars are subtracted from the calendar year. It is easy to determine the number of weekends and holidays in a year. It is more difficult to determine the average amount of time taken for vacation, illness, and judicial conferences. Because the study period may not be representative of the year as a whole, the steering committee is asked to review the average amount of time taken for vacation, illness, and judicial conferences.

To determine the number of hours in a day available to process cases, it is first necessary to determine how long a workday is expected of the judges and how long is taken on average for lunch and breaks. This information is usually obtained from the steering committee. Once that is determined, an average amount of time for non-case related work also must be subtracted from the day because this time is not available to process cases. For example, a judge who has to interview candidates for a personnel vacancy, or write a legislative report uses time during those days performing important job functions that cannot be used to process the caseload. Information on the number of minutes spent on such non-case related work is collected by the judges during the time-study. These data are then divided by the number of days worked to obtain an average amount of non-case related work.

Non-case related activity can also vary among counties based on differing levels of staff support, and it is possible to calculate a weighted time which takes the time difference into consideration. This average amount of non-casework time is also subtracted from the judge year value.

Step 10 - Judicial Resource Count

The total number of judicial resources available to each court must be enumerated. Judicial resources include the number of judges (measured FTE) that are available to assist in processing the judicial workload.

Step 11 – Judicial Resource Needs Calculation

The number of judicial resources *needed* is calculated by dividing the adjusted workload of a court (the number of minutes required to process the cases) by the adjusted judge year value (the average number of minutes a judge has available to process cases). The result is the number of judges needed to process the workload of that district.

Step 12 – Comparison of Actual vs. Required Judicial Resources

The last step is to compare the actual judicial resources measured in FTEs and the required judicial resources measured in FTEs as estimated by the model. This is only the beginning in deciding the judicial resource allocation across a state. The model needs to be interpreted by joining the knowledge from the quantitative model with qualitative knowledge of the unique characteristics of the state and qualitative knowledge of case processing, in general, to determine the judicial resource needs and allocation.

IV.   Maryland District Court Workload Assessment Model

This section of the report details the construction and components of the Maryland District Court Workload Assessment Model.

A.   Sample Site Selection

Maryland has twelve judicial districts encompassing 23 counties, the city of Baltimore, and 108 District Court judgeships[3]. Sampling criteria were shared with the policy committee, and they recommended the participation of sample set of approximately 50 judges representing all 12 judicial districts throughout the state. This sample size ensured that all factors of court variability (in size, rurality, geography, circuit riding, et cetera) were taken into consideration in the final model.

B.   Case Type Categorization

The policy committee participated in a conference with the NCSC project team to decide the categorization of case types. The entire District Court caseload was divided into eight mutually exclusive case types for the workload assessment study. The judicial case types are:

1. Criminal
2. Civil
3. Drunk Driving
4. Domestic Violence
5. Landlord Tenant
6. Routine Traffic
7. Serious Traffic
8. Peace Order

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[3] For purposes of this study, four judgeships were excluded. The Chief Judgeship and the three judgeships in Montgomery County (District 6) devoted solely to the handling of juvenile cases

C.   Length of Study Period Decision

The NCSC project team determined that two months of data collection would be needed based on their experience with workload assessment studies in other states. The judicial data collection period started on August 28, 2000 and ended on October 31, 2000. Two months of data collection proved to be sufficient time to collect enough data for all the case types to avoid sampling error.

D.   Time-Study

The information needed for the time-study, i.e., case type, amount of time spent, number of minutes, etc., was incorporated into a recording form. Also included on the form was identifying information (judge identification number, the district and county the work was performed in, and the date). A copy of the recording form is included in Appendix A. The NCSC project team presented a training session for the judges who were participating in the study. A copy of the instructions given to the judges at the training session is found in Appendix A.

A total of 59 judges participated in the time study and recorded 684,625 minutes of District Court judicial time spent on case related work.

Table 1. Judicial Participation by District

District	# Judges Participating
1st	9
2nd	3
3rd	4
4th	2
5th	7
6th	6
7th	3
8th	8
9th	3
10th	6
11th	6
12th	2
TOTAL	59

E.   Disposition Count

Disposition data for the study period were received from the Administrative Office of the Court. The disposition data for the time period had to be constructed from existing annual case disposition information.

F.   Case Weight Construction

The case weights were constructed by totaling the number of minutes recorded for a case type and dividing by the number of dispositions for the case type. Table 2 shows the case weights for the District Court Workload Assessment Model. The case weights demonstrate the average

amount of judge time from filing through post judgment activity a District Judge spends on each case. For example, an average criminal case took 16.86 minutes of judicial time (both in-court and in-chambers time) to process.

Table 2. District Court Case Weights

Type of Case	Minutes per Case
Criminal	16.86
Civil	10.05
Drunk Driving	20.94
Domestic Violence	34.51
Landlord Tenant	2.34
Routine Traffic	0.91
Serious Traffic	5.06
Peace Order	26.23

G.   Filings Count

The filings by case type were obtained from the Administrative Office of the Courts.

H.   Workload Calculation

The workload is the sum of the individual statewide case weights multiplied by the number of filings for that case type. The workload is the workload assessment for the district. It shows the number of judges required to process the case mix of the particular district.

I.   Judge Year Value

The judge year value is the number of days an average judge has to process his or her workload in a year. The judge year value was estimated by the steering committee with input from the NCSC consultants, and validated through the time study. The amount of time the average judge has for case processing was estimated to be eight hours of work a day for 209 days a year which is

100,320 minutes (209 days *x* 8 hours *x* 60 minutes). The eight-hour workday does not include time for lunch, breaks, or other interruptions. The calculations are shown in Table 3.

Table 3. Calculation of District Court Judge Year Value

Available Days	**365**
LESS	
Weekends	104
Holidays	11.5
Annual Leave	23
Personal Leave	6
Sick Leave	5
Subtotal	**149.5 days**
TOTAL	**215.5 days**
	(1724 hrs*)

*Based on 8 hours of work per day (not including lunch, breaks or interruptions)

Next, judicial time must be separated into two categories: time when a judge performs duties that are not related to case processing and the time spent handling cases (both inside and outside of the courtroom). The judicial time study collected information on the non-case processing work performed by judges of the District Court. Non-case related activity times were tracked in the judicial time study. The non case related activity includes the time judges spend on administrative matters, personnel issues, public speaking and educating, receiving judicial education, time devoted to reading recent appellate opinions and legal publications, committee work, travel from one court location to another, meetings with court-related agencies, etc. These non-case related functions

represent an ever-growing facet of a judge's work. The result was two categories of courts based primarily on the number of judges that are present in each district: (1) Large Districts (8 or more judges), and (2) Small Districts (7 judges or less). Table 4 reflects the resulting amount of time judges have available for case processing, when the amount of time devoted to non-case processing work is subtracted from the amount of time available for work each year (shown in Table 3)

Table 4. Annual District Court Judge Hours/Minutes Available for Case Processing

Large Districts

Annual Hours/Minutes Available	Hours	Minutes
Amount of time Available for Work	1724.00	103440
Less: Time spent on Non-Case Related Duties	*239.68*	*14381*
Adjusted Hours/Minutes Available	1484.32	89059.20

Small Districts

Annual Hours/Minutes Available	Hours	Minutes
Amount of time Available for Work	1724.00	103440
Less: Time spent on Non-Case Related Duties	*368.68*	*22121*
Adjusted Hours/Minutes Available	1355.32	81319.20

J.   Workload Standards

Workload Standards are then generated for each category of court by dividing the number of judge minutes available per year (shown in Table 4) by the case weight (average number of minutes per case shown in Table 2) to determine the number of cases a single judge could be expected to handle in one year if he or she was only handling that particular case type.

For example, the number of minutes required to handle the average criminal case was 16.86 minutes. The number of minutes available per year for a judge to process cases is 89,059.2 minutes in large districts and 81,319.2 minutes in small districts. Dividing the number of minutes available per year for each category of judicial district (large or small) by the number of minutes required, on average, to handle each case filed results in the number of cases of a particular type a single judge could handle in one year (i.e. 89,052.20 / 16.86 = 5281 cases and 81,319.20 / 16.86 = 4822 cases). The resulting workload standards per judge/per year for each case type are shown in Table 5 by category of judicial district.

Table 5. Annual District Court Judge Workload Standards

Type of Case	Large Districts	Small Districts
Criminal	5281	4822
Civil	8865	8095
Drunk Driving	4253	3884
Domestic Violence	2580	2356
Landlord Tenant	38059	34752
Routine Traffic	98157	89627
Serious Traffic	17615	16084
Peace Order	3396	3101

K.   Judicial Resource Count

The number of judicial resources. i.e.. the number of currently allotted District Court judges to the counties was obtained from the Maryland AOC.

L.   Required Judicial Resources

The number of judicial resources needed to process the workload of each district is calculated by dividing the number of filings by the workload standard. The result is the number of judges required to process the workload of each district.

V.   Interpretation of the Maryland District Court Workload Assessment Models

A.   Judicial FTE Needs Estimated by the Model

Based on FY 2000 filings, the judicial workload assessment model for District Court estimates that overall the District Court currently needs an additional 13.99 judges.

Table 6. Overall District Court Judge Need by District

District Court
Judge Actual and Additional Need
FY 2000

District	Judgeships Actual	Additional Judgeships Needed
1st	26.00	2.13
2nd	5.00	1.22
3rd	6.00	*No Need*
4th	4.00	1.47
5th	13.00	4.94
6th	10.00	1.25
7th	8.00	0.67
8th	13.00	2.30
9th	4.00	*No Need*
10th	7.00	*No Need*
11th	5.00	*0.01*
12th	3.00	*No Need*
Total	104.00	13.99

B. Qualitative Factors Affecting the Determination of Judicial Resources

Qualitative factors also can affect judicial resource needs. There can be legal *cultural* differences that result in some case types taking longer in some counties within a single state. For example, the practice styles of local attorneys often have a significant impact on case processing times. What might be considered an efficient presentation to a court in a larger city might be considered too rushed in a less pressured environment. The dynamics of local scheduling practices can also influence the interpretation of the model. In a smaller court, something as trivial as one defendant who fails to appear may waste a good part of a judge's morning if there is no other court business that can be dealt with while the judge is waiting. Another qualitative factor to consider when interpreting the model is that rural areas may require more judges than the model estimates to provide reasonable access to judicial services.

Another qualitative factor that often needs to be considered is the economies of scale that may affect the interpretation of the model. Usually in the more populated counties and larger urban courts there exists economy of scale effects that are reflected in faster processing times and the ability to process more cases in a judge year because these larger courts have the ability to work more efficiently. For example, a larger court can have a judicial division of labor that leads to specialization.

While a workload assessment model provides a baseline from which to establish the need for judges, no set of statistical criteria will be so complete that it encompasses all contingencies. In addition to the statistical information, individual characteristics of the courts must be examined before any changes to a court's judicial complement are recommended. The outline below describes a general procedure that can be undertaken if the workload assessment estimates indicate a particular court is over- or underjudged.

1. Determine whether the judges and administrative staff of the particular court believe they need additional judicial resources through a systematic procedure to solicit local opinion. Input also should be sought from the state or local court administrator, members of the bar, and other local leaders. A procedure should be established to obtain local input in writing.

2. Examine caseload trends over time to determine whether caseloads are increasing, decreasing, or remaining steady. Attention also should be paid to whether the court has an unusual caseload mix.

3. Review court organization to ensure that the court is structured and managed to make the most effective use of additional resources.

4. Explore options that will address concern over judicial workload without increasing the number of permanent, full-time judges. Options include (a) making greater use of judicial officers, (b) utilizing retired judges on a part-time or contractual basis, (c) using alternative dispute resolution, and (d) simplifying the procedures for less complex cases.

5. Keep in mind that judicial productivity, and hence the need for new judges, also depends on the effectiveness of court staff and the available technology. Without the proper type and level of support, judges may be performing some tasks that could be delegated to qualified staff or perhaps new court technology could support more efficient administrative procedures (e.g., case screening, case clustering, and case tracking).

6. Annual judge time available to process cases is affected by increases in administrative activity, committee work, education and training, etc. These changes should continue to be evaluated and factored into the assessment.

The workload assessment approach provides an objective measure of the judicial resources needed to resolve cases effectively and efficiently. Like any model, it is most effective as a *guide* to workloads, not a rigid formula. The numbers need to be tempered by a qualitative assessment that must be an integral part of any judicial workload assessment.

VI.   Keeping the Workload Assessment Model Current and Future Use of the Model

In the absence of any significant changes in case processing, court structure, or jurisdiction in the Maryland Judicial System, the case weights developed during the course of this study should be accurate for many years. However, periodic updating is necessary to ensure that the case weights continue to accurately represent judicial workload. Increased efficiency, statutory or procedural changes, or implementation of various caseflow management initiatives over time may result in significant changes in case processing. There should be no reason to redo the study or to undertake a complete, statewide sampling of time-study data. Instead, efforts should be made to identify only those case types for which time-study data may have changed significantly from the initial study results. Relatively small-scale samples then can be taken from certain judges in counties from across the state to assess whether any adjustments to certain case weights are warranted.

The workload assessment models are tools that can be used effectively in judicial resource management. The FY 2000 filings data were used to validate the model. The real power of the models lies in their applicability in predicting future judicial resource needs with caseload projection analysis.

VII.   Conclusion and Recommendations

The data collected in the course of this workload assessment study indicate that judges of the District Court of Maryland are, on average, currently working over 10 hours per day in order to keep up with the pace of the current caseload. It will be virtually impossible to sustain this level of work for a prolonged period of time; therefore, the allocation for additional judicial resources is vital to efficient operation of the current system.

Based upon the data analysis by the NCSC, the case weights for the Maryland District Court demonstrate a total need for additional 13.99 judges for all districts combined. Again. it is important to note that no quantitative assessment method can precisely determine the number of judges required within a court. However, quantitative methods, such as this judicial staffing model can approximate the need for staff and provide a point of reference or standard for comparing relative need among courts. Other measures, both qualitative and quantitative, may be used in conjunction with the caseload standards to support the assessment of need. In particular, should the standards show the need for a fractional judge position (less than the full-time equivalent), additional assessments as to the relative workload per judge within a district may be useful. Also, other useful measures may include analysis of budget constraints. population trends, and other factors that may differentially affect the need for judicial resources across the state. Finally, additional information should be included with the weighted caseload standard calculation as part of a court's needs assessment package when local resource needs are perceived differently from the weighted caseload system findings. The weighted caseload standard calculation should be used as a benchmark that may be adjusted according to evidence provided by additional objective measures of need.

APPENDIX A

Recording Forms and Instructions

Maryland Workload Assessment
Circuit and District Court Judicial Recording Form Instructions

Record your time from MONDAY, August 28th to TUESDAY, October 31st.

Confidentiality

This workload assessment IS NOT A PERFORMANCE EVALUATION OF INDIVIDUAL JUDGES. One of the most important components of the workload assessment model is the time-study information (i.e., the amount of time a judge spends on his or her caseload, administrative time, non-case-related work time, and traveling). To this end, we need to monitor and track the recording forms we receive. This is the purpose for recording the judge identification number and date on all recording forms. The time-study data we receive from the individual judges is entered into a database that is only used to develop the workload assessment model. Be assured there is no identification of individual judges in the final report. Also, information on individual judges from the time-study database is not shared with the Maryland Supreme Court or the Office of the State Court Administrator. The data collected is the property of the National Center for State Courts which is not a public organization subject to Maryland public records law.

General Instructions

The goal of recording judicial time is to account for all judicial work, whether in the courtroom, chambers, or outside the courthouse, for each case type and event. The data collection form is designed to record the time spent on the various case types and activities/events that comprise your judicial workload. The top portion of the form is used to record identifying information that will be used for tracking and validation. Information to be recorded includes: judge number, the circuit or district the work was performed in, the county the work was performed in, and the month and date the work was performed. The remaining sections of the form include check-the-box and fill in the box divisions designed to record where the work was completed, in or out of court, the specific case type, the event type, the number of minutes spent on the case type/activity, and the number of cases reviewed, disposed, etc. Notes on jurisdictional differences: the Circuit court judges will record jury and bench trial activity and the District court judges will record whether case-related work was conducted in or out of court.

Case-Related Activity

Record the number of minutes you spend on the different case types. Record by case type rather than by individual case. Aggregate time may be recorded for all cases that share codes for case type and event. In general, one entry on one form should be completed for each case type and event code combination. For example, if in a three-hour period you conduct felony arraignments, routine traffic arraignments, a felony bench trial, and misdemeanor bench trials interspersed throughout the docket, you should aggregate the estimated time spent on each case type and event code combination. Thus, you would have a total of four entries on two forms (three entries per form) for this three-hour time period: one entry for all the felony arraignments, one entry for all the routine traffic arraignments, one entry for the felony bench trial, and one entry for all the misdemeanor bench trials.

A multi-day trial should have a completed section on one form for each day. For instance, if a civil jury trial lasted three days, then, there would be one completed entry on three separate forms.

If the case represents an incident for which multiple counts are filed, such as a felony and a misdemeanor, fill out one division entry, for the most serious charge. If a person is charged with two or more counts of the same case type, such as two felonies, fill out only one entry.

Non-Case-Related Activity

Record all time spent working during the day. Thus, the non-case-related form includes six activities that are predominantly out-of-courtroom based: (1) non-case-related administration, (2) judicial education and training, (3) community activities, education, speaking engagements, (4) travel time (work related only), (5) vacation/ illness and (6) other.

Miscellaneous

DOUBLE COUNTING OF TIME: If you are truly doing two things at once, it is permissible to double count the time. For example, if you are reading civil or criminal motions for another case while you are hearing a jury trial, complete two entries on a form for the two different activities.

Each case type must have an associated EVENT recorded. **Any administrative time associated with a specific case type should be recorded under that case type.** Only one event can be recorded per entry.

Remember to convert hours to minutes (an event that took 1 hour 15 minutes should be coded as 75 minutes, an event that took 2 hours should be coded as 120 minutes).

In general, record all judicial activity.

- Record judicial activity outside the courtroom, including time spent working at home or on the weekends.
- Do not record time for lunch, breaks, and personal time during the day.
- Also, do not record time spent on filling out forms for this study as you will not be performing this function after Tuesday, October 31st.
- When you are substituting for another judge, fill in your judge number and the county that you are performing the work in. Note in the comments section that you helped out in another county. BUT record time only in the counties (circuits/districts) that are participating in the time-study. If you substitute for another judge in a county that is not participating in the time-study, note only your travel time.

In your packet is a set of recording forms to begin the assessment. These manual recording forms can be copied (Xeroxed) – just be sure that both sides of the case-related form are copied and in good condition.

If you do happen to run out of forms, extra recording forms are available from Faye Gaskin – (410) 260-1257 (Circuit Court) and/or Barbara Allison (410) 260-1290 (District Court).

Group your forms by the day and mail them at the end of every Friday to:

Ann Jones – MD Workload Assessment
National Center for State Courts
1331 17th Street, Suite 402
Denver, CO 80202-1554

To facilitate orderly data entry, please be sure to mail the forms regularly at the end of the week. It is okay if the mail does not go out until Monday. Be sure you mail the last packet of forms right after the last day of the study.

If you have any questions concerning the recording of time on this form, please contact the appropriate NCSC project team member as follows:

Circuit Judges please contact **David Tapley** at (800) 466-3063
District Judges please contact **John Douglas** at (800) 466-3063.

DEFINITIONS OF CERTAIN CASE TYPES AND NON CASE-RELATED EVENTS:

Family

1. **Paternity/ Non-Support** – A suit to determine fatherhood/ A criminal case involving the charge of nonsupport.
2. **Divorce** – A proceeding to dissolve a marriage. Original filings under this category include limited and absolute divorces and annulments. A reopened case under this category includes hearings held after final decree or other termination in the original case. A reopened case may involve review of matters other than the divorce itself as long as the original case was a divorce. (Examples of the latter may be a contempt proceeding for nonpayment of support, noncompliance with custody agreement, modification of support, custody, etc.).
3. **Adoptions and Guardianships** – This includes all adoptions and guardianships including regular adoptions, guardianship with right to consent to long-term care short of adoption.
4. **Other Domestic Relations** – Matters related to the family other than divorce, guardianship, adoption, or paternity. Examples of this category include support, custody, and U.R.E.S.A. cases.

Juvenile
(Recorded on a separate form)

5. **Delinquency** – Commission of an act by a juvenile that would be a crime if committed by an adult.

6. **CINS (Child in Need of Supervision)** – Refers to a child who requires guidance, treatment, or rehabilitation because of habitual truancy, ungovernableness, or behavior that would endanger himself or others. Also included in this category is the commission of an offense applicable only to children.

7. **CINA (Child in Need of Assistance)** – Refers to a child who needs the assistance of the court because:
   a) The child is mentally handicapped or
   b) Is not receiving ordinary and proper care and attention, and
   c) The parents, guardian, or custodian are unable or unwilling to give proper care and attention.

Civil

8. **Contracts** – A case involving a dispute over oral or written agreements between two or more parties. This includes breaches of verbal or written contracts and Landlord/tenant appeals from District Court.

9. **Appeal** – The resorting to a higher court to review, rehear, or retry a decision of a tribunal below. Appeals to the Circuit Courts include:
   Record – The judge's review of a written or electronic recording of the proceedings in the District Court.
   De Novo – see below under **Criminal**.
   Administrative Agency – Appeals from decisions rendered by administrative agencies.

10. **ADR (Alternative Dispute Resolution)** – any case submitted or ordered to seek an informal process in which a neutral third party is available to assist litigants in negotiating a mutually acceptable agreement in civil cases.

Criminal

11. **De Novo Appeal** - The retrial of an entire case initially tried in the District Court.

12. **Jury Trial Prayer (both Motor Vehicle and Criminal)** – A request for a trial by jury in the Circuit Court for charges normally heard in the District Court. To pray a jury trial in a motor vehicle case, the authorized sentence must be for more than 90 days and/or $500.

13. **Post Conviction** – Proceeding, other than appeal, instituted to set aside a conviction or to correct a sentence that was unlawfully imposed.

NON CASE-RELATED EVENTS

1. **Non Case-Related Administration** - includes work directly related to the *administration or operation* of the court. For example,

   - personnel issues,
   - case assignment,
   - internal staff meetings
   - calendaring

2. **Judicial education and training** – includes continuing education and professional development, state-wide judicial meetings, and out-of-state education programs permitted by the state.

3. **Community activities, education, speaking engagements** – includes time spent on community and civic activities in your role as a judge, e.g., speaking at a local bar luncheon, attendance at rotary functions, or Law Day at the local high school. This activity also includes preparing or officiating at weddings for which you are not paid. DO NOT record weddings where you are paid.
   Another rule of thumb to use when you are not sure whether an activity performed in your role as judge can be recorded as community activity, etc. or not recorded at all is whether you get paid (above your judicial salary) for the activity. For example, if you teach a course in criminal justice at your local college *or teaching a trial advocacy course at the local law school*, that time would not count as community activity, etc. Although being a judge may have qualified you to teach the course, this activity is outside your judicial workload. Also, there is probably pay associated with teaching the course. On the other hand, a one-time lecture at the high school on Law Day does count as community activity, etc.

4. **Travel time** – includes the amount of time spent "circuit riding", traveling to another court when you are substituting for another judge or another reason, and time spent traveling to meetings or civic/community functions.
   Travel Time on Weekends: If you are required to go into work on the weekends, such as to the courthouse or the jail, record the time as it is not your Monday through Friday commute time. DO NOT record you Monday through Friday commute time.

5. **Vacation/ Illness** – includes any non-recognized holiday time. DO NOT record state-wide recognized holidays as they have already been accounted for in the determination of the Judge Year Value.

MARYLAND DISTRICT COURT WORKLOAD ASSESSMENT STUDY
CASE-RELATED DATA COLLECTION FORM

Use a new form as needed. Be sure to enter today's date, your ID number, district, and county on each form. Please be sure to completely fill in all relevant information accurately. Additional instructions are provided separately.

Judge ID:	District:	Date:
	County:	☐ September _____ , 2000 ☐ October _____ , 2000

	Case Type	Event Type	Time in Minutes
☐ Case-related work – **In Court** ☐ Case-related work – **Out of Court** (e.g., In-Chambers, Home Office etc.)	**Traffic:** ☐ DWI/DUI ☐ Serious ☐ Routine ☐ Other **Criminal:** ☐ Criminal ☐ Other **Domestic:** ☐ Domestic Violence ☐ Peace Order ☐ Other **Civil:** ☐ Small Claim ($0 - $2500) ☐ Large Claim ($2501 - $25,000) ☐ Landlord/Tenant - Failure to Pay ☐ Landlord/Tenant - Other	☐ Preliminary Proceedings; Inquiries, Arraignments, Bail Hearings, FTA, N.P. Post. ☐ Guilty Plea ☐ Pre-trial/Settlement Conference ☐ Hearings & Motions/Pre-trial Hearings, (inc jury trial request) ☐ Bench Trial ☐ Post-judgment Hearing ☐ Violation of Probation ☐ Case-related administration	**Number of Cases Disposed, Reviewed, etc.**

	Case Type	Event Type	Time in Minutes
☐ Case-related work – **In Court** ☐ Case-related work – **Out of Court** (e.g., In-Chambers, Home Office etc.)	**Traffic:** ☐ DWI/DUI ☐ Serious ☐ Routine ☐ Other **Criminal:** ☐ Criminal ☐ Other **Domestic:** ☐ Domestic Violence ☐ Peace Order ☐ Other **Civil:** ☐ Small Claim ($0 - $2500) ☐ Large Claim ($2501 - $25,000) ☐ Landlord/Tenant - Failure to Pay ☐ Landlord/Tenant - Other	☐ Preliminary Proceedings, Inquiries, Arraignments, Bail Hearings, FTA, N.P. Post. ☐ Guilty Plea ☐ Pre-trial/Settlement Conference ☐ Hearings & Motions/Pre-trial Hearings, (inc jury trial request) ☐ Bench Trial ☐ Post-judgment Hearing ☐ Violation of Probation ☐ Case-related administration	**Number of Cases Disposed, Reviewed, etc.**

	Case Type	Event Type	Time in Minutes
☐ Case-related work – **In Court** ☐ Case-related work – **Out of Court** (e.g., In-Chambers, Home Office etc.)	**Traffic:** ☐ DWI/DUI ☐ Serious ☐ Routine ☐ Other **Criminal:** ☐ Criminal ☐ Other **Domestic:** ☐ Domestic Violence ☐ Peace Order ☐ Other **Civil:** ☐ Small Claim ($0 - $2500) ☐ Large Claim ($2501 - $25,000) ☐ Landlord/Tenant - Failure to Pay ☐ Landlord/Tenant - Other	☐ Preliminary Proceedings; Inquiries, Arraignments, Bail Hearings, FTA, N.P. Post ☐ Guilty Plea ☐ Pre-trial/Settlement Conference ☐ Hearings & Motions/Pre-trial Hearings, (inc jury trial request) ☐ Bench Trial ☐ Post-judgment Hearing ☐ Violation of Probation ☐ Case-related administration	**Number of Cases Disposed, Reviewed, etc.**

MARYLAND DISTRICT WORKLOAD ASSESSMENT STUDY
CASE-RELATED DATA COLLECTION (COMMENT FORM)

Use a new form as needed. Be sure to enter your ID number on each form. Please be sure to completely fill in all relevant information accurately. Additional instructions are provided separately.

Judge ID:

Comments:

Comments:

Comments:

Maryland District Court Workload Assessment Study – Non-Case Related Data Collection Form

Judge ID Number_____

Record activities that are **not** captured on the Case-Related Data Collection Form. Including non-case-related administration, judicial training and conferences, travel time, vacation, holidays, illness, community activities and education, and other comparable events.

Event Codes	
1=Non Case-Related Administration	4=Travel time (work related <u>only</u>)
2=Judicial education and training	5=Vacation/ Illness
3=Community activities, education, speaking engagements	6=Other

Date	Event Code (1-6)	Activity (Brief Description)	Actual Amount of Time Spent (In Minutes)